

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL SAMUEL JOHNSON,
Petitioner,
v.
CDCR,
Respondent.

No. 2:20-cv-1891 KJM AC P

ORDER

Petitioner has filed a document seeking to add additional claims and attachments to his petition, ECF No. 12, which the court will construe as a motion to amend the petition.

By findings and recommendations filed December 15, 2020, the undersigned recommended that the petition be denied without prejudice to filing the claims in a new action under 42 U.S.C. § 1983. ECF No. 11. The request to amend the petition does not alter this recommendation, as it fails to include a proposed amended petition and therefore does not demonstrate that an amended petition would cure the defects identified in the findings and recommendations. Moreover, to the extent the motion makes additional factual allegations, they relate to plaintiff's conditions of confinement, as do his additional requests for injunctive relief. ECF No. 12 at 1-2. As outlined in the findings and recommendations, claims related to petitioner's conditions of confinement are not properly brought in habeas. See ECF No. 11 at 2.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The motion to amend the petition, ECF No. 12, is DENIED.
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4 Petitioner shall have fourteen days from the service of this order to file objections to
the December 15, 2020 findings and recommendations.

5 DATED: January 6, 2021

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7 ALLISON CLAIRE
8 UNITED STATES MAGISTRATE JUDGE

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